

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

NEW MEXICO HEALTH)	
CONNECTIONS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-00773 JB/KBM
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN SERVICES,)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**NOTICE TO THE COURT OF RESTORATION OF APPROPRIATIONS AND JOINT
STATUS REPORT**

On December 31, 2018, this Court granted Defendants’ motion for a stay of the January 4, 2019 deadline to file a joint status report in the above-captioned case commensurate with the duration of the lapse of appropriations for the Department of Justice. As of January 25, 2019, funding was restored through February 15, 2019, for the Department of Justice and the Department has now resumed its usual civil litigation functions.

Per the Court’s prior order to file a joint status report by January 4, 2019, as modified by the Court’s stay order, ECF Nos. 28, 30, the parties now report as follows:

1. The Court previously stayed this case pending further proceedings in *New Mexico Health Connections v. U.S. Dep’t of Health & Human Services*, No. 1:16-cv-878 JB/JHR (D.N.M.) (“*NMHC v. HHS I*”), and has maintained the stay at the parties’ request after the resolution of district court proceedings in that case. See ECF Nos. 26, 28.

2. Defendants have since filed a notice of appeal in *NMHC v. HHS I*. See ECF No. 91, *NMHC v. HHS I*. The case has been docketed at the Court of Appeals as No. 18-2186 (10th Cir.).

3. Because the 10th Circuit's disposition of Defendants' appeal could narrow or eliminate the dispute in this case, the parties agree that it would conserve judicial resources to await the Court of Appeals' resolution of that case before taking further action in this one.

4. Accordingly, the parties respectfully propose that the Court maintain the stay of proceedings in this case until the resolution of case No. 18-2186 at the 10th Circuit. The parties propose to file a joint status report within 14 days of the resolution of case No. 18-2186 (10th Cir.) to propose a schedule for further proceedings in this case.

Dated: January 28, 2019

Respectfully submitted,

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/s/ James Powers
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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2019, I caused the foregoing document to be served on counsel for plaintiff by filing with the court's electronic case filing system.

/s/ James Powers
James R. Powers